IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 607 OF 2007

Rashmi Gruh Nirman Pvt. Ltd. . .....
Petitioners
V/s
Unique Shanti Developers . .....
Respondents.

Office Notes, Office Memoranda of Coram, appearances Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr.Y.S.Jahagirdar, Sr.Counsel, for the petitioners.

Mr.Vinit Naik with Mr.N.s.Rodriques i/by M/s.Desai & Diwanji, Adv. for respondent No.1.

CORAM: A.P. DESHPANDE, J.

22.2.2007

PC:

In a pending suit the plaintiff moved an application seeking direction against the Collector to issue valuation certificate with a view to arrive at correct stamp duty which is required to be paid on the suit agreement. The trial Court allowing the said application directed the Collector to issue valuation certificate in respect of

stamp duty which is required to be paid on the suit agreement by the plaintiff. In compliance of the direction so issued by the trial Court in its order dated 30.10.06 the Collector vide communication dated 17.11.06 has valued the concerned survey numbers and has also informed the plaintiff the amount of stamp duty and penalty. Thereafter the plaintiff again moved an application with a view to remit demand drafts in the Court covering the amount of stamp duty and penalty as directed by the Collector. The Court has passed an order which is impugned in this petition, appointing the Special Bailiff with a view to dispatch the original deeds for impounding along with four demand drafts covering the stamp duty and penalties. The grievance of the petitioner/defendant is that the order passed by the Civil Court dated 30.10.06 and 24.11.06 should not act as an impediment in the way of petitioner/defendant to question correctness of the order passed by the Collector determining the stamp duty and penalty. The orders passed by the Civil Court in no way preclude the petitioner from questioning the correctness of the orders passed by

the Collector by approaching the Appellate/Revisional Authority under the Bombay Stamp Act. The orders under challenge do not suffer from any illegality requiring interference under writ jurisdiction. Hence writ petition is summarily dismissed.

It is however made clear that the order passed by the Collector determining the stamp duty and penalty and the proceedings under the Bombay Stamp Act will not have any bearing on the progress of the suit and the trial Court is expected to decide the suit as expeditiously as possible.

22.2.07